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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 MARCELA RAMIREZ-
12 RODRIGUEZ,

13 Petitioner,

14 v.

15 ELISEO RICOLCOL, Warden,
16 Respondent.

Case No. 5:24-cv-2289-DSF-RAO

ORDER SUMMARILY DISMISSING
PETITION

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18 On October 23, 2024, Petitioner Marcela Ramirez-Rodriguez (“Petitioner”)—
19 a then-federal inmate in the custody of the Bureau of Prisons (“BOP”) at the Federal
20 Correctional Institution (“FCI”) Medium I in Victorville, California, and proceeding
21 *pro se*—filed a Petition for Writ of Habeas Corpus by a Person in Federal Custody
22 Pursuant to 28 U.S.C. § 2241 (“Petition”). Dkt. No. 1 (“Pet.”). The Petition claims
23 that the BOP is improperly holding Petitioner at FCI Victorville even though she is
24 eligible for transfer to a residential reentry center (“RRC”) based on the Second
25 Chance Act. Pet. at 1.¹ The Petition asks the Court to order the BOP to release
26 Petitioner to an RRC or home confinement. *Id.*

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28 ¹ The Court utilizes the pagination assigned by the CM/ECF system when citing to
the Petition.

1 On December 20, 2024, Respondent filed a Motion to Dismiss the Petition
2 (“Motion”), along with a declaration of a BOP program specialist and supporting
3 exhibits. Dkt. No. 8. The Motion contends that the Petition should be dismissed on
4 procedural grounds for failure to exhaust administrative remedies. *Id.* at 3. With
5 respect to Petitioner’s release date, Respondent calculated a statutory release date of
6 August 26, 2025, and an actual projected release date of May 13, 2025, with First
7 Step Act (“FSA”) credits applied. Dkt. No. 8 at 1.

8 On January 15, 2025, Petitioner filed a motion to withdraw her Petition on the
9 grounds that the BOP scheduled her release to an RRC for January 15, 2025. Dkt.
10 No. 11. Respondent subsequently filed a response in support of Petitioner’s motion
11 to withdraw and requested that the Court enter an order dismissing the Petition with
12 prejudice. Dkt. No. 12 at 1. The Court independently conducted a public records
13 check of BOP’s inmate locator which indicates that Petitioner was transferred to a
14 residential reentry management field office in Long Beach, California. *See Find an*
15 *Inmate*, Fed. Bureau of Prisons, <https://www.bop.gov/inmateloc> (last visited Jan. 24,
16 2024). For the following reasons, the Court dismisses the Petition as moot.

17 A federal court’s jurisdiction is limited to actual cases or live controversies.
18 *United States v. Yopez*, 108 F.4th 1093, 1099 (9th Cir. 2024) (citing *Lewis v. Cont’l*
19 *Bank Corp.*, 494 U.S. 472, 477 (1990)). This constitutional limitation to cases or
20 controversies necessarily requires that parties to the litigation have a personal stake
21 in the outcome at all stages of judicial proceedings. *Genesis Healthcare Corp. v.*
22 *Symczyk*, 569 U.S. 66, 71–72 (2013). Because federal courts are prohibited from
23 adjudicating matters that do not affect the rights of present litigants, a suit is rendered
24 moot when there exists no live issue for the court to grant relief upon. *Chafin v.*
25 *Chafin*, 568 U.S. 165, 172 (2013) (highlighting that Article III of the U.S.
26 Constitution forbids the issuance of advisory opinions where no live case or
27 controversy exists). When a litigant seeks action from an administrative agency,
28 performance by the agency of the relief sought is sufficient to render the claim moot

1 and absolve the federal court of jurisdiction to adjudicate the suit. *Rosemere*
2 *Neighborhood Ass’n v. EPA*, 581 F.3d 1169, 1173 (9th Cir. 2009) (quoting *Pub. Util.*
3 *Comm’n v. FERC*, 100 F.3d 1451, 1458 (9th Cir. 1996)).

4 In bringing this action, Petitioner sought release to an RRC placement or home
5 detention based on the Second Chance Act. Since the filing of the Petition, Petitioner
6 has been released. Because she has obtained the relief she sought by initiating this
7 action—namely, release from BOP custody—the matter no longer involves a “live
8 controversy.” *Peneueta v. Ricolcol*, No. 2:23-cv-6361-PA-JC, 2024 WL 2884218,
9 at *5 (C.D. Cal. May 21, 2024) (citing *Burnett v. Lampert*, 432 F.3d 996, 1000–01
10 (9th Cir. 2005)). Further, Petitioner’s motion to withdraw serves as an
11 acknowledgment that she seeks no further remedy from this Court following her
12 release from BOP custody. Because Petitioner was released to a residential reentry
13 center, her Petition is now moot.

14 For the foregoing reasons, the Petition is dismissed without prejudice. All
15 pending motions are denied as moot.

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17 DATED: April 18, 2025



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19 THE HONORABLE DALE S. FISCHER
20 UNITED STATES DISTRICT JUDGE
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